



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

March 28, 1991

Mr. Mike Atkins
Attorney
McMahon, Tidwell, Hansen, Atkins
& Fowler, P.C.
P. O. Box 1311
Odessa, Texas 79760

OR91-155

Dear Mr. Atkins:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 11961.

You have received a request for "personnel files or documents pertaining to the performance of any witness who may testify on behalf of the Administration" at a hearing regarding a school district employee. You state that the Superintendent has not identified any witnesses who would be testifying at any such hearing. A governmental body has no obligation under the Open Records Act to compile new information. Open Records Decision No. 574 (1990) at 7. Although a governmental body must make a good faith effort to respond to a request, Open Records Decision No. 561 (1990) at 8, it is not possible for a governmental body to respond to a request in which the information identifying the documents requested does not exist.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91- 155.

Yours very truly,

A handwritten signature in cursive script, reading "Sarah Woelk".

Sarah Woelk
Assistant Attorney General
Opinion Committee

SW/lcd

Ref.: ID# 11961

cc: Mr. Richard L. Arnett
Attorney
Brim & Arnett
505 East Huntland Dr., Suite 230
Austin, Texas 78752-3714